

REMARKS

Claims 1-4, 6-27, 30-52 and 62-84 are pending in this application, of which claims 1-4 and 8-26 have been withdrawn from consideration. Claims 30 to 34 have been amended. Claims 1-4, 8-29 and 62-84 have been cancelled. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated May 14, 2008.

Title of the Invention:

The Examiner asserts in item 3 of the Action that the title of the invention is non-descriptive. However, Applicants believe that the Examiner's position is overcritical, since the current title, "Electronic Camera That Synthesizes Two Images Taken Under Different Exposures" appears to be descriptive of the features set forth in the claims that are presently under consideration by the Examiner.

Specification:

The disclosure stands objected to in item 4 of the Action due to a minor informality on page 46 of the present specification. The specification has been amended to correct the informality and to overcome this objection.

Allowable Claimed Subject Matter:

Applicants gratefully appreciate the Examiner's indication that independent claim 7 has been allowed.

The Examiner also indicated in item 77 of the Action, claims 30-52, 64, 68 and 72 would be allowable if rewritten in independent form to include all of the features of the respective base and intervening claims. It is submitted that claims 30 to 34 have each been rewritten in independent form to include the features of base claim 30. Accordingly, it is submitted that independent claims 30-34 are now allowable as well as their respective dependent claims 35-52.

Double Patenting:

Claims 27, 30-52 and 62-84 stand rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 3-25 and 35-57 of U.S. Patent No. 6,744,471. This rejection is respectfully traversed.

In view of the above, Applicants file herewith a Terminal Disclaimer in compliance with 37 CFR 1.321(c) or 1.32(d) to overcome the non-statutory double patenting rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Independent Claim 6:

Claim 6 stands rejected under 35 U.S.C. §102(e) as being anticipated by Fukuda et al. (USP 6,278,490). This rejection is respectfully traversed.

Independent claim 6 calls for *means for causing said flash emission means to emit at both of the two shots of picture taking and setting charge accumulating time of the image pickup*

device at the second shot of picture taking based on an emission amount ratio of the two emissions measured by said photometric device.

The Fukuda reference discloses in Figs. 9 and 10 a light receiving device 25, which the Examiner asserts constitutes a photometric device that is a separate entity from the image pickup device 3. In addition, as discussed in col. 13 of the reference, the light receiving device 25 integrates the exposure amount to each exposure period, converts the exposure amount into an electric signal, and outputs the electric signals to the light emission control circuit 18, wherein the light emission control circuit 18 controls a light emission driving circuit 19 by direct photometry based on the signal from the light receiving device 25.

However, while the light receiving device 25 may convert the exposure amount into an electric signal which is used to control a light emission driving circuit 19, the Fukuda reference does not appear to teach or fairly suggest *setting charge accumulation time of the image pickup device as a second shot of picture taking based on an emission amount ratio of the two emissions measured by the photometric device*, as called for in independent claim 6.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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Art Unit: 2622

Amendment
Attorney Docket No.: 981414A

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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